

**SUGGESTED DO'S AND DON'T FOR THE CONDUCT OF PUBLIC HEARINGS AND THE
PERFORMANCE OF CHAIRMAN AND MEMBERS OF BOARDS, COMMISSION AND OTHER
BODIES.**

1. **DON'T ACCEPT AN APPOINTMENT OR NOMINATION TO A BOARD, COMMISSION OR COUNCIL UNLESS YOU EXPECT TO ATTEND 99.9999 PER CENT OF THE REGULAR AND SPECIAL MEETINGS, INCLUDING INSPECTION TRIPS, BRIEFINGS AND PUBLIC FUNCTIONS WHERE YOUR PRESENCE IS EXPECTED.** If your participation falls below 85 per cent during any six months period, you should tender your resignation. You aren't doing your job, you aren't keeping well enough informed to make intelligent decisions, and you are making other people do your work for you. Your effectiveness and the regard given to your opinions by other members will be in direct ratio to you attendance.
2. **DO CREATE A GOOD IMPRESSION OF THE GOVERNMENT YOU REPRESENT.** Remember that this is the FIRST important contact that many of the people in the audience have had with the administration of their city, county or special district and, for some, this is the most important matter in which they have ever been involved. Many will never be back again and many will never have another such contact and experience. Your performance will create in their minds the picture that they will always carry with them of "the way the government is run." Make it as pleasant and comfortable a picture as possible.
3. **DO BE ON TIME.** If the hearing is scheduled at 5:15 pm, the gavel should descend at that exact hour, and the hearing begin, if there is a quorum. If you have to wait ten minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time besides creating a very bad beginning for what is a very important occasion for most of those present.
4. **DON'T DRESS LIKE A BUM.** Dress in a neat and clean manner. The people in the audience think you are a very important person. Don't disappoint them by your appearance, conduct and attitude.
5. **DON'T MINGLE WITH FRIENDS, ACQUAINTANCES, AND UNKNOWN APPLICANTS OR OBJECTORS IN THE AUDIENCE** before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression with the uninformed that there is something crooked going on, especially when you vote favorably on the case of the applicant with whom you were seen conversing. When the other fellow's case come up and you deny it, he says, "Well, its easy enough to see that you've gotta know the right people if you ever expect to get anywhere around here." Save you socializing and fraternizing for some other time and place.
6. **DON'T DISCUSS AN APPLICATION** with an applicant or objector prior to the filing or the hearing if it can be politely avoided. In the event that it is not avoidable, and many time it is not, be very non-committal; don't be too free with advise. By all means explain that you are only one member of the body, that you have not had an opportunity to study the matter thoroughly, that you have not seen the staff recommendation, and that you have no way of knowing what opposition may develop or what will occur at the public hearing. Be certain that the person understands that you cannot commit yourself in any manner, except to assure him/her that (s)he may expect a fair and impartial hearing. Even if the application looks pretty good or bad to you, it is wise to be non-committal about the outcome. If you give any encouragement and any advice and then the result isn't what you implied, the person(s) you visited with may tell everyone that they did just exactly what you told them to do and then, like a dirty dog, you voted against or for the application.
7. **DO YOUR HOMEWORK.** Spend any amount of time necessary to become thoroughly familiar with each matter which is come before you. It is grossly unfair to the applicant and the body you sit on for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar; and you may make some horrible and disturbing decisions.

8. DON'T INDICATE BY WORD OR ACTION HOW YOU INTEND TO VOTE during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection, and comments by members of the staff. During this period your board is the judge and jury and it's no more appropriate for you to express an opinion as to the proper decision, prior to hearing ALL of the testimony, than it would be for a judge or jury member to announce his firm conviction in the middle of a court trial regarding the guilt or innocence of a defendant. THIS IS NOT CLEARLY UNDERSTOOD BY A MAJORITY OF PERSONS SITTING ON HEARING BODIES. It is not too difficult to phrase one's questions or comments in a manner that implies that you are seeking information rather than stating an irrefutable fact and that your mind is closed to further argument. One does NOT say, "I happen to know that the applicant has no intention of placing an apartment building on this site. In fact, it has been sold subject to zoning and the purchaser intends to put a mobile home park here if he get a Special Permit." Rather than this, one could say, "We have been furnished with some information which indicates that perhaps your plans are not too firm regarding the development you propose. In fact, there are some who are concerned about a rumor that the property is being sold and that the new owner plans to put a mobile home park at this location, if he can secure the necessary permit. Would you care to comment on this concern of the neighborhood and tell us if there is any truth to this rumor?" The same result is accomplished, the information is brought out and made part of the record and you don't look as if you are leading the attack to secure defeat of the applicant's request.

9. DON'T FAIL TO DISQUALIFY YOURSELF if either directly or indirectly you have any financial interest in the outcome of the hearing, AND let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. In disqualifying yourself, STATE your reasons. To avoid all accusations of undue influence, it is generally wise to leave the room and ask that the record show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed, to the matter under discussion.

10. DO ROTATE THE SEATING in some regular manner each successive meeting to prevent a "strong" member from gradually dominating a "weak" and indecisive member always seated next to him/her. This will also prevent the forming of little cliques, or a frequent grouping of members to the left of the Chair who always oppose those to the right of the Chair, regardless of the merits of the case.

11. DO BE POLITE AND IMPARTIAL, and as helpful as possible to the nervous, the frightened and the uneducated, and patient with the confused.

12. DO BE ATTENTIVE. Those appearing before you have probably spent hours and hours preparing and rehearsing their arguments. The least you can do is LISTEN and make them think that you are as interested as you should be. Refrain from talking to other board members, passing notes and studying unrelated papers.

13. DON'T INTERRUPT A PRESENTATION until the question period, except for very short and NECESSARY clarifying remarks or queries. Most applicants have arranged their remarks in a logical sequence and the thing about which you are so concerned will probably be covered if you can force yourself to be quiet for a few minutes. You can wreck a speaker's whole case by a long series of unnecessary questions at the wrong time.

14. DON'T PERMIT MORE THAN ONE PERSON at the podium and microphone at any one time.

15. DON'T PERMIT A PERSON TO DIRECTLY QUESTION or interrogate other persons in the audience. All questions should be addressed to the Chair and to the hearing body. When this person has finished their discussion and stated the questions to which they would like to have answers, then the Chair will permit those who care to make an answer come forward and do so, but only voluntarily. Do not permit anyone to DEMAND answers to all and sundry questions especially if it is obviously done for the purpose of harassment.

16. **DON'T USE FIRST NAMES** in addressing ANYONE AT ALL during the course of the hearing. This includes members of the audience, applicants, people speaking for or against any proposition, staff or other members of your particular body, even if the person concerned is you brother / sister or your best friend. NOTHING, repeat NOTHING, creates a more unfavorable impression on the public than this practice. It is poor "hearing manners," destroys the formality of the occasion, and makes the uninformed certain that some sort of "buddy, buddy deal" is about to be consummated. If you just can't bring yourself to use Mr. and Mrs., An alternative would be to use the third person form and call them the "applicant" or "the person who is objecting" or "the gentleman (or lady) ," who is appearing here in connection with this application.

17. **DON'T BE TOO CRITICAL** of attorneys who sometimes feel impelled to give unnecessarily lengthy presentations on behalf of their clients. Avoid the strong temptations to make matters as difficult as possible for them. They are just trying to make a living and must convince their client that they are really earning the rather substantial fee which they feel their service merits.

18. **DON'T INDULGE IN PERSONALITIES AND DON'T PERMIT ANYONE ELSE TO DO SO!**

19. **DON'T TRY TO MAKE THE APPLICANT OR ANY OTHER PERSON** appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in his testimony. But don't do it! It is bad hearing manners. If you MUST "expose" someone, do it as gently and kindly as possible.

20. **DON'T BECOME INVOLVED IN ALTERCATIONS.** Some people seem to come to hearings with the expressed purpose of "telling them guys down there how the cow ate the cabbage." If you answer their irrelevant ranting, you are immediately involved in a FIGHT. Don't answer or try to defend yourself. You are there to hear testimony and make decisions based thereon, not to head up a debating society. Remember, you are the judge and jury. In most cases, it is sufficient to say, "thank you very much for coming here and giving us the benefit of your thinking. I am sure that the members of this body will give your remarks serious consideration when they are making their individual determinations on the merits of this case. Is there anyone who wishes to be heard?"

21. **DO INVITE INTERESTED PERSONS TO COME FORWARD** when a speaker is referring to a diagram, site plan or exhibit which is not visible to the audience.

22. **DO NOT PERMIT PEOPLE** to speak from the audience. If it is important enough for them to speak at all, it is important enough for them to be recognized, come forward, give their name and address and say what they care to, if their remarks are pertinent.

23. **DO NOT PERMIT PEOPLE TO LEAVE THE PODIUM AND MICROPHONE AND APPROACH CLOSER TO THE HEARING BODY** except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one of the dais with one or two members of the hearing body, the others being uncertain about what is going on, the conversation usually not getting recorded and not being heard by the audience, and for the chair a situation becoming almost impossible to control.

24. **DON'T BECOME INVOLVED IN NEIGHBORHOOD QUARRELS** or wind up as the referee even if you are a veritable Solomon. No matter how fair or impartial you should be, both sides will be angry with you. Stick to the merits of the application and rule out-of-order testimony which is irrelevant, personal, hearsay and not pertinent to the matter being heard.

25. **DON'T BE VINDICTIVE** and "punish" the applicant for some real or imagined affront to you or your body on some previous occasion, perhaps bearing no relation to the present hearing. It must be assumed that (s)he is there legally, (s)he has a right to be heard, and (s)he has a right to a fair and impartial hearing on the merits of his/her present application without reference to something which (s)he might or might not have done in the past or will perhaps do in the future.

26. DON'T TRY TO BE A HERO to beautiful women, handsome men, little old ladies, widowed mothers with tiny infants in their arms, and the financially and socially distressed. Be sympathetic, but objective; and don't get carried away with such a strong desire to help that you throw the rule book out the window. Ninety-nine times out of hundred you will do them some questionable service at the expense of their neighbors or the government that you represent and your kind-hearted action will come back to haunt you much sooner than anyone could have imagined. Stick to the rules!

27. DO NOT FAIL TO GIVE A REASON when making a motion for approval OR denial of an applicant's request. If you fail to do this, the applicant, any objectors, a reviewing body of higher authority, or the COURTS may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always consider the staff recommendation.

28. IF YOU HAVE STAFF; DO NOT TAKE STAFF RECOMMENDATIONS LIGHTLY. These recommendations are made after much study by professional people with years of experience in their field and are based upon pertinent laws, ordinances, regulations, policies and practices developed by you and your predecessors. The recommendations of a good staff in possession of all of the facts will almost always produce a TECHNICALLY CORRECT recommendation. Your job is to temper this recommendation with information developed during the hearing which was not available to staff. It is not unusual for a staff to voluntarily reverse or change the details of its recommendation during the course of a hearing. Consider it a good practice to announce the staff recommendations prior to hearing any testimony and always make appropriate mention of it in the final decision.

29. IF YOU HAVE STAFF; DON'T FORGET THAT THE STAFF IS THERE TO HELP you in any way possible. It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them the chance. Or they may just sit and let you stew, if you do not give them the respect that is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearing. Ask them to comment prior to the final vote when in doubt about facts or issues.

30. DON'T TRY TO ANSWER TECHNICAL QUESTIONS even if you are sure that you know the answer. You probably DON'T and may wind up looking like a fool. Refer these matters to the staff. That is one of the things they are there for. They have intimate day-to-day working experience with pertinent ordinances and can nearly always give a timely, up-to-time-minute professional dissertation on any subject in their field. And besides, it helps create an image of competency which is most useful in assuring the public that their case has received more than a cursory glance and an arbitrary decision. Lay members of the hearing body who "explain" ordinances to the audience usually wind up their less than accurate remarks with the pretty lame comment, "That's the way I understand it and if I am wrong, I would appreciate it if staff would correct me." The staff usually does correct them and ordinarily at some length.

31. DON'T TRY TO EASE YOUR CONSCIENCE AND TOSS THE APPLICANT A BONE by granting them something less than they asked for, something they don't want, and something they can't use. In ALL cases where it is appropriate, GIVE THE APPLICANT WHAT HE ASKED FOR OR DENY IT; to do otherwise will only encourage applicants to ask for the "moon and the stars" in the hope that they will, at the worst, get the minimum requirements. A reputation for approving or denying applications as filed will result in much more realistic requests and make your job and your staffs job much easier.

32. DO VOTE BY ROLL CALL, except for routine administrative matters. This is wonderful character training for each member of the body and emphasize the "moment of truth" when he must look the applicant in the eye, make his own individual decision, and say "AYE" or "NAY" in a loud and clear voice, all alone, with no one to hide behind. The alternate voting method is difficult for the secretary to record, doesn't mean anything on a tape recording, is many times quiet confusing and gives cowards an opportunity to change their minds and vote twice when they are caught in the minority.

33. DON'T SHOW ANY DISPLEASURE OR ELATION, by word or action, over the outcome of a vote. This is VERY BAD hearing manners and won't lead to the maintenance of a friendly co-operative spirit among members of the body. It will lead to the creation of little cliques whose members vote in a block and become more interested in clobbering each other than in making fair and equitable decisions.
34. DO DISCOURAGE ANY POST-MORTEM REMARKS by applicant, objectors, or members after the final vote and the decision are announced, especially those afterthoughts designed to reopen the application. It will invariably result in an unpleasant wrangle. Just say, "I'm sorry, but the final decision has been made. If you wish to submit additional testimony, it will be necessary for you to state your reasons by letter and the Body will decide at a subsequent meeting whether or not they wish to reopen the case. The next item on the agenda will be ----."
35. DO NOT HESITATE TO CONTINUE A CASE OR TAKE IT UNDER ADVISEMENT if more information or greater deliberation is truly necessary, but do not use these administrative actions merely to avoid or delay making a decision before a hostile applicant or audience.
36. DO SIT DOWN AND HAVE A LONG SOUL SEARCHING SESSION WITH YOURSELF if you find that you are consistently "out in left field", that no one seems inclined to second your rather profound motions, and that you are quite often a minority of one. You might be theoretically right, and probably are, but give some thought to what is practical, possible and just. Don't be "Stiff-necked" in your opinion. GIVE a little.
37. DO SHOW GREAT RESPECT FOR THE CHAIR, always addressing the Chairman as "Mr./Madam Chairman", "The Chairman," or "Chairman Jones" and always wait to be recognized before continuing. This will set an example for applicants and others wishing to be heard and will contribute a great deal toward the orderliness of the proceedings.
38. DON'T ASSUME THE ROLE of a fairy godfather to those who have become involved in bad business deals or other self-imposed difficulties.